

**B R E W E R**  
ATTORNEYS & COUNSELORS

March 17, 2020

**VIA ECF**

Hon. Thomas J. McAvoy  
Senior United States District Judge  
United States District Court  
Federal Building and U.S. Courthouse  
15 Henry Street, Room 441  
Binghamton, New York 13901

Re: *National Rifle Association of America v. Cuomo*, No. 18-cv-00566-TJM-CFH

Dear Judge McAvoy:

My firm represents Plaintiff, the National Rifle Association of America (the “NRA”), in this matter. I write regarding the Court’s text order issued yesterday afternoon regarding the NRA’s Order to Show Cause seeking a preliminary injunction restraining the New York State Department of Financial Services (“DFS”) from initiating enforcement proceedings against the NRA (ECF No. 176).

The NRA appreciates this Court’s provision for swift resolution of this crucial matter. However, the NRA wants to bring to the Court’s attention a recent, relevant development. Specifically, at the request of DFS in light of the COVID-19 situation, the regulatory proceeding formerly calendared for April 6, 2020 – which is the subject of this motion – was adjourned to a date to-be-determined in July. Of course, this alleviates some of the time sensitivity associated with the NRA’s motion.

The NRA believes that the issues raised in its motion would benefit from oral argument and writes to respectfully propose alternatives in this vein. If the Court wishes, the NRA is amenable to continuing this motion until such time as an in-person oral argument can be conducted. If the public health situation does not change to permit an in-person oral argument, the motion could be taken on submission. Alternatively, the NRA would be happy to conduct its oral argument telephonically.

Finally, the NRA requests one additional day to submit its reply memorandum, no later than 2:00 pm on March 19, 2020.



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We have conferred with Defendants regarding this request. They defer to the Court's discretion on whether both oral argument and a reply are necessary but are not opposed to the short extension of time. I thank the Court for its consideration.

Respectfully,

*/s/ William A. Brewer III*

William A. Brewer III

cc: All Counsel of Record (via ECF)